60,426-204; 2000P07848US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Morrison
Serial No.	09/915,033
Examiner:	Holloway, Edwin C., III
Group Art Unit:	2635
Filed:	7/25/01
Title:	Remote Entry Transmitter With Transmission Identification Codes

M/S After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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APPEAL BRIEF

Dear Sir:

Pursuant to the Notice of Appeal filed July 26, 2005, appellant now submits its brief. Fees in the amount of $500.00 may be charged to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds. Appellant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

REAL PARTY IN INTEREST

This application was assigned as filed to Siemens Automotive Corporation. It is believed the name of this entity has changed to Siemens VDO Automotive. However, this application is owned by an entity ultimately part of Siemens Corporation.

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RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, interferences or judicial proceedings relating to, or which may directly affect or may be directly effected by or have a bearing on the Board's decision in this appeal.

STATUS OF CLAIMS

Claims 1-3 and 6-8 are pending and stand finally rejected and appealed. Claims 4 and 5 have been cancelled by a concurrently filed amendment.

STATUS OF AMENDMENTS

An Amendment After Final Rejection is attached that seeks solely to cancel claims. As such, it is assumed the examiner will enter this Amendment.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to a coding technique for ensuring that codes inserted into remote keyless entry transmitters, such as utilized to access vehicle locks, are always distinct across the millions of transmitters that are made. It is desirable to have the codes be unique such that one transmitter might not be able to inadvertently open a vehicle that is not associated with that transmitter. Various methods have been utilized in the past to ensure this unique assignment of codes, however, they are been cumbersome for various reasons. For example, vehicle manufacturers have randomly generated codes, but have then stored the codes to ensure that that particular code is never again utilized.

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The present invention utilizes the simple technique of embedding a time associated with the assignment of the code to the transmitter. In this manner, the present invention can ensure that two sequentially assigned codes are not themselves sequential. Moreover, since the time will never repeat, the present invention also provides an easy method of ensuring that each newly assigned code is unique from all previously assigned codes.

Summary of Independent Claim 1

Claim 1 requires a method that, in pertinent part, requires an identification code be assigned to a remote entry transmitter by providing a number which varies by the time a code is assigned relative to other codes and ensuring that the codes are non-sequential for codes assigned sequentially. The claim also requires that the code is indicative of the date and time associated with the assignment of the code.

Dependent claim 7 is dependent to claim 1 and adds that the remote entry transmitter is utilized as part of a remote access system for a vehicle door.

Summary of Independent Claim 6

Claim 6 requires that there be a transmitter body having a switch for requesting a vehicle component to perform an operation. A transmitter transmits a code. The code is a transmitter identification code stored in the remote entry transmitter and incorporating information that is both non-sequential and which varies based upon the time the code was determined. The code carries information associated with the date and time that the code was assigned. The

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independent claim 6 is arguably narrower than the independent claim 1 in that independent claim 6 is clearly limited to a transmitter for actuating a vehicle component.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-3 and 6-8 all stand rejected over the prior patent to Lambropoulos, et al. combined with Prosan and Guerin, et al. The rejections are challenged as to all claims, and separately challenged as to claims 6-8.

ARGUMENTS

The examiner combines the Lambropoulos, et al. and Prosan patents, and apparently believes that either can be primary and secondary. That is, the combination rejection could go either way.

Lambropoulos, et al. discloses a way of assigning codes to a receiver on a vehicle such that transmitters can transmit those codes to the receiver, and the receiver will be able to recognize authorized codes to provide access to a vehicle door the invention of Lambropoulos, et al., each transmitter T is provided with a unique code (see col. 12, lines 32-35).

The bulk of the disclosure of Lambropoulos, et al. relates to how a receiver on a vehicle is updated to learn the signals from a plurality of transmitters, such as a replacement transmitter. Essentially, the receiver that is on the vehicle is moved into a WRITE mode in which the transmitters can transmit their signals to the receiver, and the receiver will then store the new proper transmitters signals. The Lambropoulos, et al. patent discloses a manual switch 86 that can enable a line 84 to move the receiver into this mode. Thus, Lambropoulos, et al. discloses a

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method wherein each transmitter is provided with a unique signal. A receiver is taught to recognize appropriate signals at a factory or maintenance facility.

The examiner relies on the Prosan patent, apparently solely to show the transmitter signals can be randomly generated. It is believed that random generation of signals is disclosed in the Lambropoulos, et al. patent. Thus, appellant does not separately contest the combination of Lambropoulos, et al. and Prosan, at least as far as the above understanding of how the examiner proposes to combine the references.

Essentially, the Lambropoulos, et al. reference fails to meet the claims in that it cannot ensure that sequential codes are not sequential, and it does not utilize the date and time that a code was assigned in its code. The main problem with the rejection is when the examiner attempts to apply the Guerin, et al. patent to the Lambropoulos, et al. device. Guerin, et al. is so completely unrelated to Lambropoulos, et al. that its use of time or date in a code has absolutely no benefit or purpose in the Lambropoulos, et al. system. This will be explained in greater detail below.

Guerin, et al. is a system for providing access to a number of users of a building. As an example, cards may be provided to residents of an apartment building, etc. What appears to be common to the system is that the authorizations might be short-lived. As an example, apartment tenants move, mailmen may change routes, etc. Also, what is unique about the Guerin, et al. system is that there appears to be the requirement of providing a large number of authorized keys. As an example, a plurality of carriers 22 are programmed to prepare key cards. This plurality of carriers 22 would also be customized or changed from time to time. A lock must be able to recognize that a key is made by an appropriately authorized carrier. Thus, much of what

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is disclosed in Guerin, et al., and in particular with regard to dates, has nothing to do with the system of Lambropoulos, et al., and thus there would be no suggestion. These points will be detailed below.

The Guerin, et al. patent system utilizes date codes for two purposes within its disclosure. It should be noted at the outset that its disclosure is somewhat unclear, however, the purpose of the dates does appear to be completely unrelated to anything that would be of interest to Lambropoulos, et al. given the distinct applications.

It appears that a first use of dates would be for a customization of each of several carriers. (See for example, column 4, paragraph beginning at line 55.) This is utilized, since the carriers may be changed, updated, etc. It appears that this date of customization is then implanted into every key code made by the carrier. The carrier customization date information would somehow be taught to a receiver at the lock. This then allows the lock to eliminate any keys that may have been manufactured by a carrier which is no longer authorized.

This benefit is solely of use to a system wherein there are a plurality of carriers making dozens of cards. Each of the Lambropoulos, et al. transmitters has an individual signal code that is taught directly to the vehicle. There would be absolutely no purpose of teaching a plurality of carrier dates of customization to the receiver, in that there would be no need to code a plurality of keys made by a plurality of carriers for the system of Lambropoulos, et al. Simply, there is no benefit from the Guerin, et al. date of customization in the Lambropoulos, et al. system.

Moreover, it appears that within the Guerin reference, the dates are not necessarily non-sequential. Certainly, several carriers can be customized on the same day. This function would

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then not meet the claimed limitation of ensuring the codes are non-sequential for codes assigned sequentially. That claimed function is not met.

The other apparent use of a date in the code of Guerin, et al. is described for example at column 5, beginning at line 25. A date of code assignment is put onto each key so that some ending date of validity can be calculated. Thus, as an example, each key may be set to expire within a month of having been assigned. The start date is utilized to calculate the end date. The purpose of this coding would be to ensure that lost keys will eventually expire. Again, this purpose has no application in the Lambropoulos, et al. vehicle system. It would be unduly burdensome to require the users of the Lambropoulos, et al. system to periodically re-activate each of their keys. If each of the keys stored in the Lambropoulos, et al. vehicle were provided with a one-month expiration date, users would become frustrated by having to return to a maintenance location to have keys re-authorized. Moreover, given the different types of security, providing a one-month expiration for a lost vehicle key is of little value. While there certainly can be transient security value to eliminating access to a building within some set period of time, as an example, as a tenant of an apartment moves, his key will not authorize him entry for any long period of time. However, this same acceptable transient period would not apply to a vehicle. A thief would have the vehicle stolen and stripped within less than one hour. Certainly, there is no benefit to ensuring a lost key expires at the end of a month.

For the above reasons, the combination is improper, and is not suggested by the prior art. Moreover, even if the combination were proper, it does not meet the assurance of non-sequential codes. For all of these reasons, the rejection of all of the claims is improper.

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Appellant Separately Contests the Rejections of Claims 6-8.

These claims are separately contested only in that they specifically recite that the code is

utilized to actuate vehicle components. Of course, Lambropoulos, et al. discloses a system for

doing so, however, appellant makes this separate argument in the event that the Board considers

some separate rejection eliminating the Lambropoulos, et al. patent.

CONCLUSION

For the reasons set forth above, the rejection of all claims is improper and should be

reversed. Appellant earnestly requests such an action.
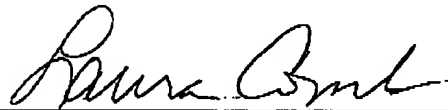
Respectfully submitted,

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Dated: September 21, 2005

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United

States patent and Trademark Office, fax number (571) 273-8300, on September 21, 2005.

Laura Combs

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CLAIM APPENDIX

1.   A method of assigning an identification code to a remote entry transmitter comprising the steps of:

    1)   providing a number which varies by the time a code is assigned relative to other codes, and ensuring that the codes are non-sequential for codes assigned sequentially, said code also being indicative of a date and time associated with the assignment of said code; and

    2)   storing said code in a remote entry transmitter as a remote entry transmitter identification code.

2.   A method as set forth in Claim 1, wherein said code is determined by incorporating the date and time that the code is set, into the code itself.

3.   A method as set forth in Claim 2, wherein the said code also incorporates information with regard to the particular assembly line.

6.   A remote entry transmitter comprising:

a transmitter body having a switch for requesting a vehicle component to perform an operation; and

a transmitter for transmitting a code, said code being a transmitter identification code stored in said remote entry transmitter and incorporating information which is both non-

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sequential, and yet which varies in order of the time the code was determined, said code carrying information associated with the date and time that said code was assigned.

7.   A method as set forth in claim 1, wherein said remote entry transmitter is utilized as part of a remote access system for a vehicle door.

8.   A remote entry transmitter as set forth in claim 6, wherein said transmitter is utilized to transmit a code to a receiver on a vehicle to provide access to the doors on the vehicle.

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.

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